

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Gary K. Michelson	)	
	)	
Serial No.: (Cont. of 09/626,636)	)	(Group Art Unit: 3731)
	)	
Filed: October 24, 2003	)	(Examiner: U. Ho)
	)	
For: DISTRACTOR FOR USE IN	)	
SPINAL SURGERY	)	

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents including any English language abstracts/translations were previously cited in a prior application, Serial No. 09/626,636, filed July 27, 2000; Serial No. 08/484,927, filed June 7, 1995 (now U.S. Patent No. 6,096,038); and/or Serial No. 08/074,781, filed June 10, 1993 (now U.S. Patent No. 5,484,437), upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Please note that ES 283078 is related to U.S. Patent No. 4,877,020; JP 57-29348 is related to U.S. Patent No. 4,349,921; and JP 61-122859 is related to U.S. Patent No. 4,759,766. Additionally, the following U.S./U.K. patents are related to the following non-English references:

GB 1291470	relates to	DE 1961531
GB 1492990	relates to	DE 2446039
GB 1531487	relates to	FR 2295729
US 5,279,292	relates to	DE 4104359

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The present application is a continuation of Serial No. 09/626,636, filed July 27, 2000; which is a continuation application of Serial No. 08/484,927, filed June 7, 1995 (now U.S. Patent No. 6,096,038); which is a divisional application of Serial No. 08/074,781, filed July 10, 1993 (now U.S. Patent No. 5,484,437). The '781 application is a continuation-in-part application of Serial No. 07/968,240, now U.S. Patent No. 5,741,253, which is a continuation of application Serial No. 07/698,674, now abandoned, which is a divisional application of Serial No. 07/205,935, now U.S. Patent No. 5,015,247.

Applicant brings to the Examiner's attention that the '247 patent was the subject of litigation in the United States District Court for the Central District of California, Western Division, Civil Action No. 95-0258RG, hereinafter referred to as Litigation 1. The claims of the '247 patent are directed to a fusion implant.

The '253 patent was the subject of litigation in the United States District Court for the Western District of Tennessee, Civil Action No. 98-2369GA (JSG), hereinafter referred to as Litigation 2. The '253 patent was also the subject of litigation in the United States District Court for the Western District of Tennessee, Western Division, Case No. 99-2656GV, hereinafter referred to as Litigation 3 ("Lit. 3"). The claims of the '253 patent are generally directed to a method for preparing adjacent vertebrae to receive an implant.

The '437 patent and U.S. Patent No. 6,096,038 (a divisional of the '437 patent) were also the subject of litigation in Litigation 3. The claims of the '437 patent are generally directed to a method for inserting an implant. The claims of the '038 patent are generally directed to instruments used for preparing adjacent vertebrae to receive an implant and/or inserting an implant.

In Litigations 1-3, the defendants asserted that various references were pertinent to the issue of validity of the '247 patent, the '253 patent, the '437 patent, and the '038 patent under 35 U.S.C. §§ 102 and 103. Applicant notes for the Examiner on the attached Form PTO-1449 in the column for the Examiner's initials the references identified by defendants in Litigation 1 as being allegedly pertinent to the '247 patent by the designation "Lit. 1." References identified by the defendants in Litigation 2 as being allegedly pertinent to the '253 patent are identified by the designation "Lit. 2." References identified by the defendants in Litigation 3 as being allegedly pertinent to the '437 patent are identified by the designation "Lit. 3a." References identified by defendants in Litigation 3 as being allegedly pertinent to the '253 patent are identified by the designation "Lit. 3b." References identified by defendants in Litigation 3 as being allegedly pertinent to the '038 patent are identified by the designation "Lit. 3c."

The defendants in Litigation 3 also raised allegations of inequitable conduct in relation to the procurement of:

(1) the '253 patent for failing to (a) highlight U.S. Patent No. 4,570,624 to Wu, (b) disclose litigation related to the '247 patent, and (c) disclose EP 0077159 to Atkins, an article written by Jose Vich ("Anterior cervical interbody fusion with threaded cylindrical bone," *Neurosurg* 63: 750-753, 1985), and manuals by Muller, M.E. ("Manual of Internal Fixation: Techniques Recommended by the AO Group;" Second Edition, Expanded and Revised; pp. 3-20, 27-41, 53-58, 71-78, 94, 311, 320; Springer-Verlag; 1979), Hierholzer, G. ("Manual on the AO/ASIF Tubular External Fixator;" pp. 85-91; Springer-Verlag; 1985), and Heim, Urs ("Small Fragment Set Manual: Technique Recommended by the ASIF-Group;" pp. 5-7, 10, 20, 21, 30; Springer-Verlag; 1974);

(2) the '437 patent for failing to (a) disclose the existence of and information surrounding litigation concerning inventorship issues with the subject matter of U.S. Patent No. 5,489,307 to Kuslich and (b) disclose U.S. Patent No. 2,842,131 to Smith, U.S. Patent No. 4,142,517 to Stavropoulos et al., U.S. Patent No. 4,677,883 to Lee, U.S. Patent No. 4,830,000 to Shutt, U.S. Patent No. 4,878,915 to Brantigan, U.S. Patent No. 4,943,291 to Tanguy, U.S. Patent No. 4,961,740 to Ray et al., and U.S. Patent No. 5,055,104 to Ray; and

(3) the '038 patent for failing to (a) disclose the existence of and information surrounding litigation concerning inventorship issues with the subject matter of U.S. Patent No. 5,489,307 to Kuslich and (b) filing an allegedly misleading Rule 131 declaration.

Litigations 1-3 are no longer pending. The jury in Litigation 2 found all asserted claims of the '253 patent valid in view of the art cited by the defendant. Litigations 1-3 were settled with the defendants in each litigation retracting their assertions of invalidity and inequitable conduct. Discovery documents relating to the aforementioned litigations are available upon request.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: October 24, 2003

By: 

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<b>Substitute for FORM PTO-1449</b>	<b>Attorney Docket Number</b> 102.0003-05000	<b>Customer No.</b> 22882	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>	<b>Applicant</b> Gary K. Michelson	<b>Application Number</b> (Cont. of 09/626,636)	
	<b>Filing Date</b> October 23, 2003	<b>Group Art Unit</b> (3731)	<b>Examiner</b> (U. Ho)

**U.S. PATENT DOCUMENTS**

Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
	Des. 245,259	08/1977	Shen			
	Des. 257,511	11/1980	Zahn			
	Des. 260,525	09/1981	Lassiter			
	Des. 281,814	12/1985	Pratt et al.			
	Des. 318,629	07/1991	Michelson			
Lit. 1	Re. 31,865	04/1985	Roux			
	350,420	10/1886	Dillon			
	493,730	03/1893	MacKenzie			
	640,108	12/1899	Dalzell			
	1,137,585	04/1915	Craig			
	2,065,659	12/1936	Cullen			
	2,181,746	11/1939	Siebrandt			
	2,243,718	05/1941	De G. Moreira			
	2,372,622	03/1945	Fassio			
	2,514,665	07/1950	Myller			
	2,537,070	01/1951	Longfellow			
	2,543,780	03/1951	Hipps et al.			
	2,677,369	05/1954	Knowles			
	2,774,350	12/1956	Cleveland			
	2,789,558	04/1957	Rush			
	2,832,343	04/1958	Mose			
	2,842,131	07/1958	Smith			
	2,878,809	03/1959	Treace			

Lit. 2	3,128,768	04/1964	Geistauts			
Lit. 1	3,298,372	01/1967	Feinberg			
	3,426,364	02/1969	Lumb			
Lit. 2	3,486,505	12/1969	Morrison			
Lit. 1	3,604,487	09/1971	Gilbert			
	3,605,123	09/1971	Hahn			
	3,618,611	11/1971	Urban			
	3,709,219	01/1973	Halloran			
Lit. 3b	3,719,186	03/1973	Merig, Jr.			
	3,720,959	03/1973	Hahn			
	3,750,652	08/1973	Sherwin			
Lit. 2	3,848,601	11/1974	Ma et al.			
	3,855,638	12/1974	Pilliar			
	3,867,728	02/1975	Stubstad et al.			
	3,867,950	02/1975	Fischell			
Lit. 2	3,875,595	04/1975	Froning			
	3,877,020	10/1989	Vichl			
	3,888,260	06/1975	Fischell			
Lit. 2	3,892,232	07/1975	Neufeld			
Lit. 1	3,905,047	09/1975	Long			
	3,915,151	10/1975	Kraus			
	3,916,907	11/1975	Peterson			
	3,918,440	11/1975	Kraus			
	3,942,535	03/1976	Schulman			
	3,948,262	04/1976	Zaffaroni			
	3,952,334	04/1976	Bokros et al.			
	3,987,499	10/1976	Scharbach et al.			
Lit. 1	4,016,651	04/1977	Kawahara et al.			
	4,027,392	06/1977	Sawyer et al.			
	4,051,905	10/1977	Kleine			
	4,059,115	11/1977	Jumashev et al.			
	4,070,514	01/1978	Entherly et al.			

	4,082,097	04/1978	Mann et al.			
Lit. 1	4,086,701	05/1978	Kawahara et al.			
Lit. 1	4,124,026	11/1978	Berner et al.			
	4,142,517	03/1979	Stravropoulos et al.			
	4,168,326	09/1979	Broemer et al.			
Lit. 1	4,175,555	11/1979	Herbert			
Lit. 1	4,177,524	12/1979	Grell et al.			
	4,181,457	01/1980	Holmes			
	4,197,850	04/1980	Schulman et al.			
	4,206,516	06/1980	Pilliar			
	4,222,128	09/1980	Tomonaga et al.			
	4,232,679	11/1980	Schulman			
	4,232,679 B1	05/1988	Schulman			
	4,237,948	12/1980	Jones et al.			
	4,258,716	03/1981	Sutherland			
Lit. 1	4,259,072	03/1981	Hirabayashi et al.			
Lit. 1	4,262,369	04/1981	Roux			
	4,271,832	06/1981	Evans et al.			
	4,289,123	09/1981	Dunn			
Lit. 1	4,293,962	10/1981	Fuson			
	4,309,777	01/1982	Patil			
Lit. 1	4,328,593	05/1982	Sutter et al.			
	4,333,469	06/1982	Jeffcoat et al.			
	4,341,206	07/1982	Perrett			
Lit. 1 & 3c	4,349,921	09/1982	Kuntz			
Lit. 1	4,356,572	11/1982	Guillemin et al.			
	4,401,112	08/1983	Rezaian			
	4,405,319	09/1983	Cosentino			
	4,414,979	11/1983	Hirshorn et al.			
	4,423,721	01/1984	Otte et al.			
	4,439,152	03/1984	Small			
	4,450,834	05/1984	Fischer			

Lit. 1	4,484,570	11/1984	Sutter et al.			
	4,492,226	01/1985	Belykh et al.			
	4,497,320	02/1985	Nicholson et al.			
Lit. 1 & 2	4,501,269	02/1985	Bagby			
	4,507,115	03/1985	Kambara et al.			
	4,530,360	07/1985	Duarte			
	4,535,374	08/1985	Anderson et al.			
	4,535,485	08/1985	Ashman et al.			
	4,542,539	09/1985	Rowe, Jr. et al.			
Lit. 2	4,545,374	10/1985	Jacobson			
	4,547,390	10/1985	Ashman et al.			
	4,549,547	10/1985	Brighton et al.			
	4,552,200	11/1985	Sinha et al.			
	4,553,273	11/1985	Wu			
	4,554,914	11/1985	Kapp et al.			
	4,570,623	02/1986	Ellison et al.			
Lit. 2, 3b, & 3c	4,570,624	02/1986	Wu			
	4,592,346	06/1986	Jurgutis			
	4,599,086	07/1986	Doty			
	4,600,000	07/1986	Edwards			
	4,602,638	07/1986	Adams			
	4,604,995	08/1986	Stephens			
	4,608,052	08/1986	Van Kampen et al.			
	4,611,581	09/1986	Steffee			
	4,619,264	10/1986	Singh			
	4,628,921	12/1986	Rousso			
	4,634,720	01/1987	Dorman et al.			
	4,636,217	01/1987	Ogilvie et al.			
	4,636,526	01/1987	Dorman et al.			
	4,645,503	02/1987	Lin et al.			
Lit. 1	4,653,486	03/1987	Coker			
	4,653,509	03/1987	Oloff, et al.			



	4,655,777	04/1987	Dunn			
	4,661,536	04/1987	Dorman et al.			
	4,664,567	05/1987	Edwards			
	4,665,920	05/1987	Campbell			
	4,677,883	07/1987	Lee			
	4,677,972	07/1987	Tornier			
	4,693,721	09/1987	Ducheyne			
	4,696,290	09/1987	Steffee			
	4,698,375	10/1987	Dorman et al.			
	4,710,075	12/1987	Davison			
Lit. 1	4,713,004	12/1987	Linkow et al.			
Lit. 3c	4,714,469	12/1987	Kenna			
	4,721,103	01/1988	Freedland			
	4,736,738	04/1988	Lipovsek et al.			
Lit. 1 & 2	4,743,256	05/1988	Brantigan			
	4,743,260	05/1988	Burton			
	4,759,766	07/1988	Buettner-Janz et al.			
	4,759,769	07/1988	Hedman et al.			
	4,769,881	09/1988	Pedigo et al.			
	4,777,939	10/1988	Kees, Jr. et al.			
	4,781,591	11/1988	Allen			
	4,790,303	12/1988	Steffee			
	4,805,602	02/1989	Puno et al.			
	4,820,305	04/1989	Harms et al.			
	4,830,000	05/1989	Shutt			
Lit. 1 & 2	4,834,757	05/1989	Brantigan			
Lit. 2	4,848,327	07/1989	Perdue			
	4,851,008	07/1989	Johnson			
Lit. 2	4,863,476	09/1989	Shepperd			
	4,863,477	09/1989	Monson			
	4,865,603	09/1989	Noiles			
Lit. 1	4,877,020	10/1989	Vich			

Lit. 1 & 2	4,878,915	11/1989	Brantigan			
	4,903,882	02/1990	Long			
	4,904,260	02/1990	Ray et al.			
	4,904,261	02/1990	Dove et al.			
	4,911,718	03/1990	Lee et al.			
	4,913,143	04/1990	Oloff et al.			
	4,913,144	04/1990	Del Medico			
	4,936,848	06/1990	Babgy			
	4,943,291	07/1990	Tanguy			
	4,955,885	09/1990	Meyers			
	4,955,908	09/1990	Frey et al.			
	4,957,495	09/1990	Kluger			
	4,960,420	10/1990	Goble et al.			
	4,961,740	10/1990	Ray et al.			
	4,968,316	11/1990	Hergenroeder			
	4,969,888	11/1990	Scholten et al.			
	4,987,904	01/1991	Wilson			
	4,997,434	03/1991	Seedhom et al.			
	5,015,247	05/1991	Michelson			
	5,015,255	05/1991	Kuslich			
Lit. 3c	5,026,373	06/1991	Ray et al.			
	5,030,236	07/1991	Dean			
Lit. 3a & 3c	5,055,104	10/1991	Ray			
	5,059,193	10/1991	Kuslich			
	5,062,845	11/1991	Kuslich et al.			
	5,071,437	12/1991	Steffee			
Lit. 1	5,084,050	01/1992	Draenert			
	5,102,414	04/1992	Kirsch			
	5,105,819	04/1992	Wollschläger et al.			
	5,108,422	04/1992	Green et al.			
	5,112,336	05/1992	Krevolin et al.			
	5,116,304	05/1992	Cadwell			

	5,122,130	06/1992	Keller			
	5,123,926	06/1992	Pisharodi			
	5,171,278	12/1992	Pisharodi			
	5,192,327	03/1993	Brantigan			
	5,246,458	09/1993	Graham			
	5,258,031	11/1993	Salib et al.			
	5,263,953	11/1993	Bagby			
	5,279,292	01/1994	Baumann et al.			
	5,292,252	03/1994	Nickerson et al.			
	5,306,309	04/1994	Wagner et al.			
	5,314,427	05/1994	Goble et al.			
	5,324,295	06/1994	Shapiro			
	5,352,229	10/1994	Goble et al.			
	5,364,399	11/1994	Lowery et al.			
	5,370,697	12/1994	Baumgartner			
	5,393,036	02/1995	Sheridan			
	5,396,880	03/1995	Kagan et al.			
	5,397,364	03/1995	Kozak et al.			
	5,425,772	06/1995	Brantigan			
	5,441,527	08/1995	Erickson et al.			
	5,443,514	08/1995	Steffee			
	5,458,638	10/1995	Kuslich et al.			
	5,484,437	01/1996	Michelson			
Lit. 3a & 3c	5,489,307	02/1996	Kuslich et al.			
	5,489,308	02/1996	Kuslich et al.			
	5,105,819	04/1992	Wollschlager, et al.			
	5,505,732	04/1996	Michelson			

## FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Sub Class	Translation Y s or No
Lit. 2, 3a, 3b & 3c	0 077 159	04/1983	Europe			N/A
	0 162 005	11/1985	Europe			Yes
	0 260 044	03/1988	Europe			N/A

	0303241 A2	02/1989	Europe			N/A
	0 307 241	03/1989	Europe			N/A
	0421485 A1	10/1998	Europe			N/A
	0499465 A1	08/1992	Europe			N/A
	0551187 A1	07/1993	Europe			N/A
	0577179 A1	01/1994	Europe			N/A
	0627204 A2	12/1994	Europe			Abstract Only
	0 179 695	04/1986	France			Abstract and Partial
	2 295 729	07/1976	France			UK Equivalent GB 1531487
	2 581 336	11/1986	France			Abstract Only
	2 703 580	10/1994	France			Yes
Lit. 1	1961531	07/1970	Germany			UK Equivalent GB 1291470
	24 46 039	04/1975	Germany			UK Equivalent GB 1492990
	DE 3101333 A1	12/1981	Germany			Abstract Only
	DE 3132520 A1	06/1982	Germany			Abstract Only
Lit. 1	DE 3505567 A1	06/1986	Germany			Abstract Only
	DE 36 08 163 A1	09/1987	Germany			Abstract Only
	DE 41 04 359 A1	08/1992	Germany			US Equivalent 5,279,292
	GB 1291470	10/1972	Great Britain			N/A
	GB 1492990	11/1977	Great Britain			N/A
	GB 1531487	11/1978	Great Britain			N/A
	GB 2076657 A	12/1981	Great Britain			N/A
	GB 2082754 A	03/1982	Great Britain			N/A
	GB 2126094 A	03/1984	Great Britain			N/A
	GB 2164277 A	03/1986	Great Britian			N/A
	57-29348	02/1982	Japan			Abstract Only
	60-31706	02/1985	Japan			Yes
	60-43984	03/1985	Japan			Yes
	61-122859	06/1986	Japan			US Equivalent 4,759,766
	62-155846	07/1987	Japan			Yes

	84/01298	04/1984	PCT			N/A
	91/06266	05/1991	PCT			N/A
	92/14423	09/1992	PCT			N/A
	93/01771	02/1993	PCT			N/A
	1063397	12/1983	Soviet Union			Yes
	1107854	08/1984	Soviet Union			Yes
	1124960	11/1984	Soviet Union			Abstract Only
	1217374	03/1986	Soviet Union			Abstract Only
	1222254	04/1986	Soviet Union			Abstract Only
Lit. 1	283078	05/1985	Spain			US Equivalent 4,877,020
	106 101	07/1939	Sweden			Partial
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
	Adams, et al.; Outline of Orthopaedics, Eleventh Edition; Trunk and Spine, p. 194.					
	Herkowitz, et al.; Principles of Bone Fusion; The Spine, Third Edition; Chapter 44, p. 1739.					
	Muschler, et al.; The Biology of Spinal Fusion; Spinal Fusion Science and Technique, Cotler and Cotler, pp. 9-13.					
	Zindrick, et al.; Lumbar Spine Fusion: Different Types and Indications; The Lumbar Spine, Vol. 1, Second Edition, pp. 588-593 (1996).					
	Gillingham, F.J., et al.; Automatic Patient Monitoring in the Ward; Brit. J. Surg., Vol. 53, No. 10, pp. 864-866 (October 1966).					
	Maloney, A.F.J., et al.; Clinical and Pathological Observations in Fatal Head Injuries, Brit. J. Surg., Vol. 56, No. 1, pp. 23-31 (January 1969).					
	Harris, P., et al.; Spinal Deformity After Spinal Cord Injury; Paraplegia, Vol. 6, No. 4, pp. 232-238 (February 1969).					
	Gillingham, F.J., et al.; Head injuries; Proceedings of the 18 <sup>th</sup> World Congress of the International College of Surgeons, Rome, pp. 68-71 (May 28-31, 1972).					
	Whatmore, W. J.; Sincipital Encephalomeningoceles; Brit. J. Surg., Vol. 60, No. 4, pp. 261-270 (April 1973).					
	Whatmore, W. J.; Meningioma Following Trauma; Brit. J. Surg., Vol. 60, No. 6, pp. 496-498 (June 1973).					
Lit. 1	Bagby, George W.; Wobbler Syndrome in Horses (the Ataxic Horse); Spokane County Medical Society Bulletin; Spring 1979 .					
	Rathke, F.W., et al.; Surgery of the Spine; Atlas of Orthopaedic Operations, Vol. 1, p. 137, W.B. Saunders Co., Philadelphia (1979).					
Lit. 1	Albrektsson, T., et al.; Osseointegrated Titanium Implants; Acta. Orthop. Scand.; Vol. 52:155-170 (1981).					
Lit. 1	Raveh, J., et al.; Neue Rekonstruktionsmöglichkeiten des Unterkiefers bei knöchernen Defekten nach Tumorsektionen; Der Chirurg Vol. 53:459-467 (1982).					

	Crock, H. V.; Practice of Spinal Surgery; Springer-Verlag/Wien, New York (1983).
Lit. 1 & 2	DeBowes, R.M., et al.; Study of Bovine...Steel Baskets; Transactions of the 29th Annual Meeting; Orthopaedic Research Society, Vol. 8, p. 407, March 8-10 (1983).
	O'Neill, P., et al.; Spinal Meningoceles in Association with Neurofibromatosis; Neurosurgery, Vol. 13, No. 1, pp. 82-84 (July 1983).
Lit. 2	Brandt, L., et al.; A Dowel Insert for Anterior Cervical Interbody Fusion; J. Neurosurg. 61:793-794 (October 1984).
	Whatmore, W.J., et al.; The Coventry Cervical Spreader and Dowel Insert; ACTA Neurochirurgica, Vol. 70, FASC. 1-2 (1984).
Lit. 1	Raveh, J., et al.; Use of the Titanium-coated Hollow Screw and Reconstruction Plate System in Bridging of Lower Jaw Defects; J. Oral Maxillofac Surg. 42:281-294 (1984).
Lit. 1, 2, 3a, & 3b	Otero-Vich, Jose M.; Anterior Cervical Interbody Fusion with Threaded Cylindrical Bone; J. Neurosurg 63:750-753 (November 1985).
Lit. 1	Morscher, E., et al.; Die vordere Verplattung der Halswirbelsäule mit dem Hohlschrauben-Plattensystem aus Titanium, <i>Der Chirurg</i> , Vol. 57, pp. 702-707 (1986) with English Translation.
Lit. 1 & 2	Bagby, G.W.; Basket Implant Facilitates Spinal Fusion; Orthopedics Today, Vol. 7, No. 10, (October 1987).
Lit. 1 & 3a	Butts, M. K., et al.; Biomechanical Analysis of a New Method for Spinal Interbody Fixation; 1987 Symposium, American Society of Mechanical Engineers, "Advances in Bioengineering", Boston, MA (Dec. 13-18, 1987).
Lit. 1	Crawley et al.; A Modified Cloward's Technique for Arthrodesis of the Normal Metacarpophalangeal Joint in the Horse; Veterinary Surgery, Vol. 17, No. 3, pp. 117-127 (1988).
Lit. 1	Raveh, J., et al.; Surgical Procedures for Reconstruction of the Lower Jaw Using the Titanium-Coated Hollow-Screw Reconstruction Plate System: Bridging of Defects; Otolaryngologic Clinics of North America; Vol. 20, No. 3 (August 1987).
	Whatmore, W. J.; Proceedings of the Society of British Neurological Surgeons; Journal of Neurology, Neurosurgery, and Psychiatry, 50:1093-1100 (1987).
Lit. 2	Goldthwaite, N., et al.; Toward Percutaneous Spine Fusion; Ch. 45; Lumbar Spine Surgery; C.V. Mosby Company, pp. 512-522 (1987).
Lit. 1 & 2	Bagby, G.W.; Arthrodesis by the Distraction-Compression Method Using a Stainless Steel Implant; Orthopedics, Vol. II, No. 6, pp. 931-34 (June 1987).
Lit. 1	Itoman, M., et al.; Banked Bone Grafting for Bone Defect Repair--Clinical Evaluation of Bone Union and Graft Incorporation; J. Jpn. Orthop. Assoc. 62:461-469 (1988).
	Kane, W.J.; Direct Current Electrical Bone Growth Stimulation for Spinal Fusion; Spine, Vol. 13, No. 3, pp. 363-365 (March 1988).
	The SpF-T Spinal Fusion Stimulator: An Efficacious Adjunct that Meets the Diverse Needs of Spine Patients; EBI Medical Systems; (August 1991).
	Schmitz et al.; Performance of Alloplastic Materials and Design of an Artificial Disc; The Artificial Disc, Brock, Mayer, Weigel; pp. 23-34 (1991).
	The Use of Direct Current for Electrically Induced Osteogenesis; The Positive Effect of an Electronegative charge on Bone Growth; EBI Medical Systems (Feb. 1993).

	Mylonas, C., et al.; Anterior Cervical Decompression and Fusion Using the Coventry Cervical Spreader and Dowel Inserter; British Journal of Neurosurgery, 7:545-549 (1993).		
	Fusion of the Lumbar Spine; Anterior Monosegmental Fusion L5-S1, Atlas of Spinal Operations, Thieme, pp. 270-274 (1993).		
	Spine Basics, Danek Group, Inc., Glossary (1993).		
Lit. 3a & 3c	Cloward, Ralph B.; Surgical Techniques for Lumbar Disc Lesions; Codman; Signature Serial 3.		
Lit. 3c	Cloward, Ralph B.; Ruptured Cervical Intervertebral Discs: Removal of Disc & Osteophytes & Anterior Cervical Interbody Fusion (A.C.I.F.); Codman; Signature Series 4.		
Lit. 3	Cloward, Ralph B.; Recent Advances in Surgery of the Cervical Spine; pp. 285-293; German Society For Neurosurgery: Volume 2 Cervical Spine Operations; Excerpta Medica.		
Lit. 3c	Hutter, Charles George; Spinal Stenosis and Posterior Lumbar Interbody Fusion; pp. 103-114; Clinical Orthopaedics and Related Research; No. 193; The Association of Bone and Joint Surgeons.		
Lit. 3c	Lin, Paul M.; Posterior Lumbar Interbody Fusion; pp. 114-122; Charles C. Thomas; Springfield, Illinois.		
Lit. 3c	Lin, Paul M.; Lumbar Interbody Fusion: Principles and Techniques in Spine Surgery; Techniques and Complications; pp. 81, 98, 120, 146, 173, 180-184, 204, 224, 225, 231; Aspen Publishers, Inc.; 1989.		
Lit. 3c	Tan, S.B.; A Modified Technique of Anterior Lumbar Fusion with Femoral Cortical Allograft; pp. 83-93; The Journal of Orthopaedic Surgical Techniques, Volume 5, No. 3, 1990.		
Lit. 3a & 3b	Muller, M.E.; Manual of Internal Fixation: Techniques Recommended by the AO Group; Second Edition, Expanded and Revised; pp. 3-20, 27-41, 53-58, 71-78, 94, 311, 320; Springer-Verlag; 1979.		
Lit. 3a & 3b	Hierholzer, G.; Manual on the AO/ASIF Tubular External Fixator; pp. 85-91; Springer-Verlag; 1985.		
Lit. 3a & 3b	Heim, Urs; Small Fragment Set Manual: Technique Recommended by the ASIF-Group; pp. 5-7, 10, 20, 21, 30; Springer-Verlag; 1974.		
Lit. 3c	Harmon, Paul H.; Anterior Excision and Vertebral Body Fusion Operation for Intervertebral Disk Syndromes of the Lower Lumbar Spine: Three- to Five-Year Results in 244 Cases; pp. 107-127; Clinical Orthopaedics and Related Research, No. 26, J.B. Lippincott Company, 1963.		
Lit. 3c	Harmon, Paul H.; A Simplified Surgical Technic for Anterior Lumbar Discectomy and Fusion; Avoidance of Complications; Anatomy of the Retroperitoneal Veins; pp. 130-143; Clinical Orthopaedics and Related Research, No. 37, J.B. Lippincott Company, 1964.		
Lit. 3b	Bullough, Peter G.; Atlas of Spinal Diseases; Figure 5.7; J.B. Lippincott Company; 1988		
Lit. 3	Canale, S. Terry; Campbell's Operative Orthopaedics; Volume 3, 9 <sup>th</sup> Edition; pp. 2191, 2216, 2459; Mosby, 1998.		
	European Search Report dated March 15, 2001 for EP 00 20 4831.		
Examiner		Date Considered	
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
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